

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, ) CASE NO. 8:08CR209  
                                  )  
Plaintiff,                   )  
                                  )  
vs.                           )  
                                  )  
JAYNE WEBER,               )  
                                  )  
Defendant.                   )

MEMORANDUM  
AND ORDER

This matter is before the Court on a Report and Recommendation (Filing No. 24) of a Magistrate Judge recommending that I accept the Defendant's plea of guilty. There are no objections to the Report and Recommendation. Pursuant to 28 U.S.C. § 636(b)(1)(C) and NECrimR 11.2(d), the Court has conducted a de novo review of the record.

The colloquy at the change of plea hearing indicates that while the Defendant pleads guilty to Count I of the Indictment charging an offense that began on or about September 20, 2006, the government intends to attempt to prove a loss amount relating to the Defendant's activities that began several years earlier. Judge Thalken recommended that the plea be accepted and noted that this Court would consider this matter. Neither party objected to Judge Thalken's Report and Recommendation. Having considered the matter, the Court concludes that the plea to Count I should be accepted and that the issue regarding the time frame of any losses to be included for sentencing purposes is a legal issue to be determined, if necessary, during the sentencing process.       I   T    I   S

ORDERED:

1. The Report and Recommendation (Filing No. 24) is adopted;

2. The Defendant is found guilty. The plea is accepted. The Court finds that the plea of guilty is knowing, intelligent, voluntary, and that a factual basis exists for the plea;
3. I defer acceptance of the plea agreement until the time of sentencing pursuant to Federal Rule of Criminal Procedure 11(c)(3). Unless otherwise stated at the time of sentencing, the plea agreement will be deemed accepted upon the pronouncement of the judgment and sentence; and
4. This case shall proceed to sentencing.

DATED this 7<sup>th</sup> day of November, 2008.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge